

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

WILLIAM FEEHAN and DERRICK VAN ORDEN,

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION,
and its members ANN S. JACOBS, MARK
L. THOMSEN, MARGE BOSTELMANN,
JULIE M. GLANCEY, DEAN KNUDSON,
ROBERT F. SPINDELL, JR., in their official
capacities, GOVERNOR TONY EVERS,
in his official capacity,

Case No.: 20CV1771

Defendants.

MOTION TO REASSIGN CASE PURSUANT TO CIVIL L.R. 3(b)

Defendant Tony Evers respectfully moves to have the foregoing case—*Trump v. Wisconsin Elections Commission, et al.*, No. 20-CV-1785—reassigned, as it is related to the instant action under Civil Local Rule 3(b). While judicial efficiency and a desire to avoid conflicting opinions underscore virtually every request to relate cases, that is especially true here with the federal safe-harbor date approaching on December 8 and the meeting of the Electoral College on December 14. *See* 3 U.S.C. §§ 5, 7 and Wis. Stat. § 7.75.

Civil Local Rule 3(b) provides that the factors to be considered in determining whether the actions are related include whether the actions: (i) arise from substantially the same transaction or events; (ii) involve substantially the same parties or property; or (iii) involve the same patent, trademark or copyright. It further provides that the judge to whom the action with the lower-case number is assigned will resolve any dispute as to whether the actions are related.

Promptly upon learning of the *Trump v. Wisconsin Elections Commission* action late yesterday evening, Defendant's counsel prepared and filed a notice of related case. That notice, which is attached hereto as Exhibit 1, explains that the *Feehan* and *Trump* actions arise from

substantially the same transaction or events (the administration of the November 3, 2020 Presidential election), and involve substantially the same parties (the Wisconsin Elections Commission, Ann S. Jacobs, Mark L. Thomsen, Marge Bostelmann, Dean Knudson, Robert F. Spindell, Jr., and Governor Tony Evers are named defendants in both actions).¹ Both cases also seek similar relief: To overturn the results of the recent election and in so doing deny more than three million Wisconsinites of their fundamental right to vote.

Accordingly, the two cases are related within the meaning of Civil Local Rule 3(b), and Defendant Evers respectfully requests that the latter-filed action be reassigned to this Court.

Respectfully submitted this 3rd day of December 2020.

/s/ Jeffrey A. Mandell
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Attorneys for Defendant, Governor Tony Evers

¹ WEC Commissioner Julie M. Glancey is inexplicably not named as a defendant in this case, which also includes as defendants a number of other state and local officials.

EXHIBIT 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

DONALD J. TRUMP, Candidate for President of the
United States of America,

Plaintiff,

v.

THE WISCONSIN ELECTIONS COMMISSION, and its
members, ANN S. JACOBS, MARK L. THOMSEN,
MARGE BOSTELMANN, DEAN KNUDSON,
ROBERT F. SPINDELL, JR., in their official capacities,
SCOTT MCDONELL in his official capacity as the Dane
County Clerk, GEORGE L. CHRISTENSON in his
official capacity as the Milwaukee County Clerk,
JULIETTA HENRY in her official capacity as the
Milwaukee Election Director, CLAIRE WOODALL-
VOGG in her official capacity as the Executive Director
of the Milwaukee Election Commission, MAYOR TOM
BARRETT, JIM OWCZARSKI, MAYOR SATYA
RHODES-CONWAY, MARIBETH WITZEL-BEHL,
MAYOR CORY MASON, TARA COOLIDGE, MAYOR
JOHN ANTARAMIAN, MATT KRAUTER, MAYOR
ERIC GENRICH, KRIS TESKE, in their official
capacities; DOUGLAS J. LA FOLLETTE, Wisconsin
Secretary of State, in his official capacity, and TONY
EVERS, Governor of Wisconsin, in his official capacity.

Case No.:20-CV-1785

Defendants.

**CIVIL L. R. 3(b) NOTICE OF RELATED CASE AND REQUEST
FOR ASSIGNMENT IN CONCERT WITH THAT RELATED CASE**

TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN AND TO THE PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, in accordance with Civil Local Rule 3(b), the following action appears to be related to the above-entitled action: *William Feehan, et al. v. Wisconsin Elections Commission, et al.*, Case No. 2:20-CV-1771.

Civil Local Rule 3(b) provides that the factors to be considered in determining whether the actions are related include whether the actions: (i) arise from substantially the same transaction or events; (ii) involve substantially the same parties or property; or (iii) involve the same patent, trademark or copyright. It further provides that the judge to whom the action with the lower case number is assigned will resolve any dispute as to whether the actions are related.

The foregoing action arises from substantially the same transaction or events (the administration of the November 3, 2020 Presidential election), and involves substantially the same parties (the Wisconsin Elections Commission, Ann S. Jacobs, Mark L. Thomsen, Marge Bostelmann, Dean Knudson, Robert F. Spindell, Jr., and Governor Tony Evers are named defendants in both actions).¹ Both cases also seek similar relief: To overturn the results of the recent election and in so doing deny more than three million Wisconsinites of their fundamental right to vote. Accordingly, this case is related within the meaning of Civil Local Rule 3(b).

PLEASE TAKE FURTHER NOTICE that this Notice of Related Case is also being served on counsel for the parties in the case listed.

Respectfully submitted this 3rd day of December 2020.

/s/ Jeffrey A. Mandell
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¹ WEC Commissioner Julie M. Glancey is inexplicably not named as a defendant in this case, which also includes as defendants a number of other state and local officials.

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Attorneys for Defendant, Governor Tony Evers